

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**BARBARA J. AUSTIN, et al.**

**V.**

**BECTON DICKINSON AND  
COMPANY, INC., et al.**

§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 2:06-CV-357**

**ORDER**

The above entitled and numbered civil action has been referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Before the Court are the Memorandum Opinion and Order (Doc. No. 155) containing the Magistrate Judge's rulings on Docket Nos. 39, 50, 108, and 112; and Defendant McKesson Medical-Surgical, Inc.'s appeal of the conclusions contained in the Memorandum Opinion and Order (Doc. No. 177). Defendant specifically appeals the Magistrate Judge's ruling on Defendant McKesson Medical-Surgical, Inc.'s Motion to Compel Production of Documents and Answers to Deposition Questions and its Response to Motions to Quash of Rudolf Churner, Heritage Eye Center, L.L.C. and Barbara Moody and Brief in Support (Doc. No. 112). The Memorandum Opinion and Order of the Magistrate Judge was entered on July 18, 2007. Parties have ten days to respond and object to the rulings of a United States Magistrate Judge. Defendant McKesson Medical-Surgical, Inc. did not object to the Memorandum Opinion and Order until August 13, 2007, well outside the ten (10) day period given to parties to object or respond. In addition, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby **OVERRULES** Defendant's appeal.

**So ORDERED and SIGNED this 22nd day of August, 2007.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**